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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 004132

SIPDIS

DEPT. FOR NEA/ARPI, IO/UNP, AND S/WCI  
GENEVA FOR STONECIPHER  
OSD FOR DPMO CRONAUER

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TAGS: [PREL](#) [KPOW](#) [PHUM](#) [AORC](#) [KU](#) [IZ](#) [ICRC](#)

SUBJECT: TRIPARTITE COMMISSION LAUDS PROGRESS IN ID OF GULF  
WAR MISSING; CONCLUDES HELP SOUGHT BY IRAQ OUTSIDE MANDATE

REF: A. STATE 247213

[B](#). KUWAIT 3371 (NOTAL)

[C](#). 03 KUWAIT 5736

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d)

[1](#)1. (U) Summary and Comment: The 27th meeting of the Tripartite Commission (TPC) on Gulf War Missing was held November 24 in Geneva at ICRC headquarters. In stark contrast to previous sessions (ref C), this meeting was characterized by strong cooperation among TPC members and the participation of a sovereign Iraqi government. IIG Human Rights Minister Bakhtiar Amin made an impassioned plea for international assistance in the enormous task of identifying mass grave sites, and exhuming and identifying bodies. TPC members agreed on the need to assist the IIG, both bilaterally and through international bodies, but maintained the TPC was not the appropriate vehicle. Kuwait, Saudi Arabia, and Iraq all closed cases of missing persons and discussed plans for excavation of newly identified sites. The U.S. reminded the TPC that the case of U.S. Navy Captain Michael Scott Speicher remains open. The TPC agreed to reconvene November 14-15, 2005 in Kuwait and extended the mandate of the Technical Sub-Committee (TSC), proposing a January 2005 meeting in Riyadh.

[1](#)2. (C) TPC members warmly welcomed Amin to the session and, despite a strong shared belief that the TPC mandate should not be expanded or diluted in any way, listened as Amin detailed the situation facing his ministry and outlined his needs for assistance (ref A). There were pledges of support, offers to share information, and Kuwait invited Amin and staff to tour GOK facilities for cataloguing information on missing persons and identifying remains. The Kuwaitis and Saudis clearly sympathize with the Iraqis, but nevertheless want to see their open files closed before taking on any new projects. They were courteous during Amin's monologues, but occasional moments of impatience were noticeable. Other TPC members and the broader international community will need to help Iraq strike a balance between responding to domestic cries for information on Iraqi missing and dealing with its neighbors who think that after 14 years, they have waited long enough to close the files on their own missing. End Summary and Comment.

U.S.-ICRC Bilat Focus on Role of TPC

[1](#)3. (C) The TPC meeting was preceded by a U.S.-ICRC bilateral meeting on November 23. ICRC Delegate-General Balthasar Staehelin told Ambassador LeBaron (the U.S. Ambassador to Kuwait and head of the U.S. Delegation) that despite marked progress in the recovery, identification, and repatriation of Kuwaiti and Saudi remains, the TPC remained vital as the only neutral forum where members could discuss their concerns. Moreover, the ICRC serves as a conduit for information on Iraqis who are in fact refugees, not missing, and who are not yet ready to be identified to the Iraqi government. Staehelin invited U.S. input on how to sustain Iraqi enthusiasm for the work of the TPC, explaining that with hundreds of thousands of unaccounted for Iraqis, the challenge would be to maintain the IIG's focus on the hundreds of still missing Kuwaitis and Saudis, as well as Captain Speicher, when the needs in Iraq were so pressing. The Ambassador asserted that the U.S. will continue to assist Iraq bilaterally and through international fora, but insisted the TPC has a specific mandate that should not be altered. Also present during the bilateral meeting were Adrian Cronauer, OSD POW/Missing Personnel Office; Charles A. Stonecipher, U.S. Mission Geneva; Natalie E. Brown, Embassy Kuwait; Georges Comninou, ICRC Head of Operations for the Middle East and North Africa; Christophe Beney, ICRC Head of Delegation in Baghdad; and Michel Meyer, ICRC Head of Delegation in Kuwait.

TPC Members Minus Iraq Agree not to Modify Mandate

[1](#)4. (C) Prior to the actual TPC meeting, the Kuwaiti Mission hosted a working dinner for the American, French, Saudi, and

British participants. Delegations applauded the cooperative spirit under which TPC members are now meeting, pledged to help the IIG in locating the sites of mass graves and identifying the vast number of victims through means other than the TPC, and agreed that the bulk of the TPC's work was best handled by the Technical Sub-Committee (TSC). Participants also shared the opinion that there was no longer any real need for the TPC to meet more than annually, and agreed to hold the next meeting November 14-15, 2005 in Kuwait. They also agreed to renew the TSC for one year, recommending that its next meeting occur in January 2005 in Riyadh.

#### ICRC Credits Iraqis with Momentum of the Past Year

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15. (C) Staehelin opened the official session by welcoming the Iraqi delegation and acknowledging the positive momentum achieved since the December 2003 meeting (ref B). He remarked such progress would not have been possible without the courage of the many Iraqi civilians who came forward to share information on possible grave sites. He expressed regret that most of the missing were dead, but noted that simply locating and identifying them brought a measure of solace to their families. The French Ambassador to Kuwait, Claude Losguardi, and HMG's Ambassador to Kuwait, Christopher Wilton, echoed Staehelin's comments.

#### Kuwait Stresses Families Need Closure

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16. (C) Kuwait announced that of its 605 case files, 154 were now closed. Delegation Head Dr. Ibrahim Al Shaheen, Under Secretary of the Amiri Diwan, expressed the GOK's gratitude to the TPC and to coalition forces for creating conditions under which Kuwaitis could finally be brought home. He said he also empathized with the Iraqi people and their need for closure, confiding that the remains of two of his nephews were recently identified and repatriated and, after 14 years, family members could finally sleep soundly. He reasserted that the mandate of the TPC should not be amended, but offered GOK technical assistance to the IIG in setting up an office and building data banks for identifying remains. Similarly, Saudi Arabia's Prince Dr. Mohammed Saud al-Kabir Turki, Deputy Minister for Political Affairs and Director General for International Organization Affairs, announced the closure of 2 cases and agreed with the Iraqi desire for greater transparency and coordination when crossing international borders to excavate grave sites.

#### U.S. Notes Progress and Says Speicher Case Still Unresolved

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17. (C) Ambassador LeBaron praised the work of the TPC and welcomed the participation of the IIG. He condemned the atrocities committed by Saddam Hussein's brutal regime and spoke of the importance of bringing comfort to the families, friends, and governments of the missing. He further restated U.S. resolve to uncover the fate of USN Captain Michael Scott Speicher. (Text of U.S. Statement provided in para 11.)

#### Minister Amin Reports 300,000-1 Million Missing Iraqis

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18. (C) Iraqi Minister of Human Rights and Head of Delegation Bakhtiar Amin monopolized much of the meeting with the indulgence of TPC members. He said the IIG was glad to be an active member of the TPC and he was pleased to represent a new Iraq -- "one different from the past, having a different spirit and different vision for the future." Through resolution of the cases of the missing from the 1990-1991 Gulf War, Iraq was extending a hand to the international community and asking to become a part of it and to contribute to world peace and stability. He referenced the "dark forces" that threatened stability and averred Iraq's commitment to combat terrorism on behalf of the region and the world. He reported that since the fall of Saddam Hussein, 283 mass grave sites and been found and, security permitting, Iraq intended to investigate them all and exhume the bodies. This, however, is not a task Iraq can accomplish alone. Amin described Iraq's national capacity to handle the work as "zero" and appealed to the international community for assistance, inviting TPC members to the January conference in Amman (ref A). Amin said he was unaware of Kuwait's plans to resume excavation of a Karbala site and called for greater coordination and information-sharing so that sites could be protected from grave-robbers and the IIG could also benefit from the information revealed.

#### GOK Call for Condemnation of Previous Human Rights Abuses

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19. (C) On the margins of TPC proceedings, the Kuwaiti Ambassador said that in 2003, the GOK agreed not to address at the UNHRC the state of human rights in Iraq since it was

possible that some of the POWs could have still been alive. With unquestionable evidence that there are no surviving POWs, the GOK intends to revisit the notion of a statement of fact and will seek U.S. and EU support.

110. (U) Begin Text of U.S. Statement:

The United States would like to again thank the ICRC for its continuing efforts to determine the fates of the many missing civilians and military personnel from the 1990-1991 Gulf War.

This is a difficult task and we commend the ICRC for its relentless pursuit on behalf of the families, friends, and governments of those still missing. We also appreciate the ICRC's hosting of this 27th meeting of the Tripartite Commission (TPC). In the past year, we have seen increased coordination among TPC members, but nevertheless welcome a forum where we can come together to discuss our common concerns.

We welcome the active participation of the Iraqi Interim Government (IIG) to this gathering. The attendance of Iraqi Human Rights Minister Bakhtiar Amin at the September 7 meeting in Kuwait of the Technical Sub-Committee is indicative of the IIG's determination to close open cases and forge strong, cooperative relations with its neighbors. We hope this degree of consultation will continue and even improve following elections in January 2005.

While we mourn their deaths, we are gratified that the remains of so many missing Kuwaitis continue to be identified and repatriated. We offer our deepest condolences to their families and the Government of Kuwait. We condemn the murders of Kuwaiti citizens at the hands of Saddam Hussein, but are heartened that their families can finally grieve and celebrate the lives of their loved ones. Likewise, we offer our condolences to the families of tens of thousands of Iraqi citizens who died as a result of the brutal regime of Saddam Hussein. The IIG faces no small task in locating hundreds of sites of mass graves and recovering remains of victims of the former regime. Both through this committee and bilaterally, we stand ready to assist the people of Iraq in this important but sad task.

We hope the enhanced consultation and coordination that exists among TPC members will reveal new information on the status of our own Captain Michael Scott Speicher. His case remains open and the United States is determined to learn what happened to him and bring him home.

111. (U) Meeting minutes will be faxed to NEA/ARPI.

112. (U) Baghdad: Minimize considered.

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